

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 19**

January 22, 2023

**SUMMARY OF BILL:** Authorizes all public records of a person who has been charged with a misdemeanor or a felony to be removed and destroyed without cost to the person if the charge has been abated by death, upon petition to the court having jurisdiction. Authorizes a personal representative of the decedent to file the relevant petition in such cases.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Tennessee Code Annotated § 40-32-101(a)(1)(A) authorizes the expunction of public records of certain persons at no cost to the individual. The proposed legislation expands that option to those whose criminal charge has been abated by death, allowing a personal representative of the decedent to file the necessary petition.
- The Tennessee Court of Criminal Appeals receives and disposes of thousands of matters every year, but only receives a few motions to abate, per *State v. Al Mutory*, 581 S.W.3d 741, 744 (Tenn. 2019) and based upon ten years of annual statistical reports from the Administrative Office of the Courts.
- The proposed legislation is not expected to significantly increase the number of petitions filed. Based on information provided by the Administrative Office of the Courts and the Tennessee State Court Clerks Association, state and local courts can accommodate the receipt of petitions and the destruction of public records in accordance with the proposed legislation in the normal course of business utilizing existing resources.
- Because the process is free to the petitioner, and the courts have the capacity to absorb any increase in filings, the fiscal impact to state and local government is estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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